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OFFICE OF PETITIONS

In re Patent No. 7,011,976 :
Issue Date : March 14, 2006 :
Application No. 09/509,591 : **DECISION ON PETITION**
Filed: June 2, 2000 :
Patentee(s): Andrew S. Little, et. al. :

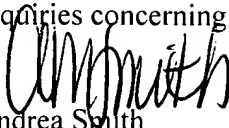
This is a decision on the petition under 37 CFR 1.183 filed by facsimile transmission on June 13, 2006, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee data on the front page of the above-identified patent by way of a certificate of correction.

The petition is **dismissed**.

Petitioner requests issuance of a Certificate of Correction in the name of "Cell Genesys, Inc., South San Francisco, CA." However, Office PALM computer database assignment records do not reflect that an assignment in the name of "Cell Genesys, Inc., South San Francisco, CA" was ever recorded. 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but *prior to issuance of a patent*. Since there is no assignment and no assignment fee recorded with the Patent and Trademark Office, prior to issuance, in the name of "Cell Genesys, Inc., South San Francisco, CA", a Certificate of Correction would not be in order. See MPEP Section 307. However, petitioner is entitled to receive a Certificate of Correction in the name of "Cell Genesys, Inc., Foster City, CA," as recorded in the Patent and Trademark Office at reel 012243 and frame number 0012, provided that a renewed petition and corrected Certificate of Correction form PTO/SB/44 is submitted. No further fees are required for the renewed petition or Certificate of Correction.

This application file is being referred to Files Repository.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

¹ See Official Gazette of June 22, 2004